IN THE HIGH COURT OF UTTARANCHAL AT NAINIAL

Writ Petition No. 107 (M/S)/2006

Shiromani Kestwal,
Vill. Pradhan, Vill. "Bagichhoti
Post- Munisakari Block- Duggda
District Pauri Garhwal. .....Petitioner.

Versus

1. State of Uttaranchal through Secretary, Basic Education, Dehradun.
2. Additional District Education Officer (Basic)/District Pariyojana Officer, Sarv Shiksha Abhiyan, Pauri District Pauri Garhwal.
3. Village Pradhan Bhedgaon,
   Block Duggda, District Pauri Garhwal.

.....Respondents.

24.04.2006

Sri Lokpal Singh, leaned counsel for the petitioner,
Learned Standing Counsel for the respondent No. 1 & 2.

Hon'ble Rajesh Tandon, J.

Heard Sri Lok Pal Singh, Counsel for the petitioner, and Standing Counsel for the respondent No. 1 & 2.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order 02.0-2.2006/04.02.2006 passed by the respondent no. 2.

Briefly stated according the case of the petitioner, a Junior High School, Bhedgaon is situated in the territory of village panchayat Bagichhoti, Development Block-Duggda, District Parui Garhwal. The petitioner being a Village Pradhan is an ex-officio President of the Junior High School, Bhedgaon and joint account is operating with the Head Master of the said school. The Petitioner was elected as Village Pradhan of Village Bagichhoti and continuing on the post of ex-officio President of the Junior High School, Bhedgaon under section 29 of the U.P. Panchayat Raj Act, 1947.

However, by the impugned order dated 02.02.2006/ 04.02.2006, respondent no.2 has been directed to open the account with the village Pradhan of Vill. Shiksha Samiti, Bhedgaon Vill. Panchayat Bhedgaon.

Both the parties are aggrieved by the aforesaid order.

In view of the aforesaid averments, Parties have referred Section 30(2) of U.P. Panchayat Raj Act, 1947, it reads as under:-

"30(2) If any difference of opinion arises between the [Gram Panchayats] acting under this section, it shall be referred to the prescribed authority whose decision thereon shall be final."

In view of the above, the case is referred to the Prescribed Authority who is directed to decide within a period of six weeks from the date of production of certified copy of this order. In the meantime, operation of the impugned order shall remain stayed.

Subject to the aforesaid observation, writ petition is disposed of.

(Rajesh Tandon, J.)

24.04.2006
Jain